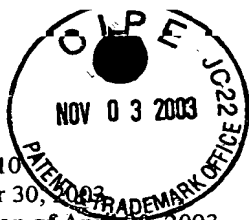


Appl. No. 09/505,810
Brief Dated October 30,
Reply to Office action of April 30, 2003



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 09/505,810
Applicant: Kyoko Kawaguchi
Filed: February 17, 2000
Title: "ELECTRONIC ASSET UTILIZATION SYSTEM, ELECTRONIC ASSET UTILIZATION METHOD, SERVER FOR USE WITH ELECTRONIC ASSET UTILIZATION SYSTEM, AND RECORDING MEDIUM HAVING RECORDED THEREON ELECTRONIC ASSET UTILIZATION METHOD"

TC/AU: 2164
Examiner: A. Bashore/V. Millin

Docket No.: 32410

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APPELLANT'S BRIEF

Sir:

This is an ex parte appeal from the decision of the Examiner in the Final Rejection dated April 30, 2003, in the above-identified application, rejecting all claims in the application. This brief is accompanied by the requisite \$330.00 fee set forth in 37 C.F.R. §1.17(c).

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: *Commissioner for Patents, Mail Stop Appeal Brief Patents, P.O. Box 1450, Alexandria, VA 22313-1450* on the date indicated below.

Michael W. Garvey

Name of Attorney for Applicant(s)

10/30/03

Date

[Signature]
Signature of Attorney

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REAL PARTY IN INTEREST

The application is assigned to Matsushita Electric Industrial Co., LTD., of Japan.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

STATUS of CLAIMS

Claims 1 through 81 are pending in the application. All claims have been finally rejected under 35 U.S.C. §112 and §103(a). The rejection of these claims is appealed. The claims are attached herewith as Appendix A. All references to the claims contained herein will correspond to claim line numbers as shown in Appendix A.

STATUS of AMENDMENTS

One amendment dated July 3, 2003, has been filed since the final rejection. The Examiner issued an Advisory Action stating that the amendment would be entered upon filing an appeal. The claims annexed to this Appeal Brief contain the changes that were requested by the above-described Amendment.

SUMMARY OF THE INVENTION

The invention relates to an e-commerce system and an electronic asset utilization method. The system and method helps avoid problems of counterfeit prepaid cards, improper charging of customer accounts, and unauthorized billing, by issuing an exchange certificate (or a receipt cer-

tificate) to a predetermined terminal, with the certificate representing a user's *right* to receive an electronic asset (or an electronic ticket). The monetary accounts can then be settled and verified, typically before the asset is issued. The system can later exchange the certificate for the asset, or verify the certificate before issuing the asset. Further, the electronic asset can be issued to the desired destination at a predetermined date and time. Typically, the electronic asset is sent to the terminal to which the exchange certificate was sent, although another terminal can be designated to receive the electronic asset.

As an example, a purchaser might intend to purchase a ticket to a sporting event. The purchaser receives an exchange certificate from the system verifying the right to receive the ticket. The accounts are settled by the system and any outside agency (money trades hands), and then, at a later (and possibly predetermined time), the exchange certificate is exchanged for the actual electronic ticket, which can be downloaded to a terminal of purchaser (such as a PDA, for example), or even downloaded to a terminal of the venue at the time of entering the event. Thus, the purchaser doesn't receive the ticket until after the monetary transfer has been completed and verified.

The system is comprised of one or more terminals for instructing the transmission of a desired electronic asset (typically at a predetermined date and time). The terminals may also be for receiving the exchange certificates and/or for receiving the electronic asset. An issuance means is included for issuing the exchange certificate and/or the electronic asset. A server having a processing means is included for transmitting the exchange certificate to the destination terminal and for transmitting the electronic asset to the destination terminal (which may be a different terminal from the one receiving the exchange certificate). The server also has a settlement

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processing means for settling a charge billed to the electronic asset. The server and terminals are connected to a communications network to facilitate the communications activity.

ISSUES

The issues argued in this Brief are as follows:

Issue 1: Whether Claims 3, 39, 47, And 67-71 Are Properly Rejected Under 35 U.S.C. §112, Second Paragraph.

The issue is whether claims 3, 39, 47, and 67-71 are properly rejected under 35 U.S.C. §112, because those claims have a preamble claiming a “computer readable medium” having a program for executing the method of the parent claims, and thus refer back to a different class of invention; for lacking antecedent basis; or for being non-enabling for being a single “means” claim.

Issue 2: Whether Claims 1-8, 14-19, 21, 23-30, 32, 39-46, 48-53, And 68-71 Are Patentable Under 35 U.S.C. §103(A) Over Williams *Et AL.* (U.S. 6,016,484) In View Of Walker *Et AL.* (U.S. 6,240,396).

The issue is whether Williams *et al.* (U.S. 6,016,484), which suggests only a *real-time* transmission of electronic assets which is not predetermined, in combination with Walker *et al.* (U.S. 6,240,396), which teaches a means for facilitating the buying and selling of tickets between buyers and sellers., suggests a system for issuing exchange certificates and allowing them to be exchanged for electronic assets, wherein the electronic assets are issued at *predetermined date and time*.

Issue 3: Whether Claims 9-13, 22, 32, 38, 47, 54, 72-83 Are Patentable Under 35 U.S.C. §103(A) Over Williams In View Of Walker And In Further View Of Hughes *Et AL.* (U.S. 5,982,893)

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The issue is whether the addition of Hughes et al. (U.S. 5,982,893), which teaches system and method for processing transaction *messages* in combination with Williams and Walker, suggests a system for issuing *exchange certificates* and allowing them to be exchanged for *electronic assets*, wherein the electronic assets are issued at *predetermined* date and time.

GROUPING of CLAIMS

Claims 33-37; 42; 46; 53; and 71 stand or fall together (argument I(A), hereinbelow, applies). Claims 1-2; 14-22; 39-40; 43-44; 50-52; and 54; stand or fall together (arguments I(A) and I(B) apply). Claims 3-13; 25-26; 38; 41; 45; 48-49; 55; 72-77; and 80-81 stand or fall together (arguments I(A) and I(C) apply). Claims 23-24; 27-32; 38; 47; 49; 56-70; and 78-79 stand or fall together (arguments I(A), I(B), and I(C) apply).

ARGUMENT

The invention as claimed is not taught by the cited prior art references, either individually or in combination. Accordingly, the invention is patentable as claimed.

FORMAL REJECTIONS

Issue 1: Whether Claims 3, 39, 47, And 67-71 Are Properly Rejected Under 35 U.S.C. §112.

A. Claim 39, As Amended And Listed In This Brief, Overcomes This Rejection.

Claim 39 was rejected under 35 U.S.C. §112, first paragraph, as being non-enabling for being a single “means” claim. Claim 39 was amended in response to the last office action, and will be entered for this appeal, making this rejection moot.

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B. Claim 3, As Amended And Listed In This Brief, Overcomes This Rejection.

Claim 3 was rejected under 35 U.S.C. §112, second paragraph, for the term “the electronic ticket” lacking antecedent basis. Claim 3 was amended in response to the last office action, and will be entered for this appeal, making this rejection moot.

C. Claims 47 And 67-71 Are Improperly Rejected Under 35 U.S.C. §112, Second Paragraph.

The Examiner rejected claims 47, 67-71 under 35 U.S.C. §112, second paragraph, for being indefinite. These rejections are improper for the following reasons:

The Examiner rejected claims 47 and 67-71 because those claims have a preamble claiming a “computer readable medium” having a program for executing the method of the parent claims. The Examiner considers these claims improper because they refer back to a different class of invention, and that these claims must stand alone. However, the Examiner has cited no authority for such a rejection, despite being requested to provide such authority in applicant’s response to the last Office action.

In fact, there is nothing improper about a product claim referring back to a method claim, or vice versa. MPEP §821.04, discussing “Rejoinder” makes clear that it is proper for a method claim to refer back to a product claim, thus, by analogy, the converse is true as well. Such claims as those rejected do not increase the Examiner’s workload, because they share the same claim limitations as the parent claim. Further, the burden is on the Examiner to justify a rejection, including a duty to cite the authority for a rejection, and the Examiner has failed to do so. Accordingly, this rejection is improper and should be withdrawn.

SUBSTANTIVE REJECTIONS

Inventions are patentable if novel and nonobvious. 35 U.S.C. §102 and 35 U.S.C. §103. The burden is on the Patent Examiner to establish a *prima facie* case of unpatentability by presenting prior art references teaching *every* element of the claim. M.P.E.P. §2142; M.P.E.P. §2142, ¶3; *In re Fritch*, 23 U.S.P.Q.2d 1781, 1783 (Fed.Cir. 1992); *In re Piasecki*, 223 U.S.P.Q. 785, 787 (Fed.Cir. 1984). The Examiner has failed to establish a *prima facie* case of unpatentability. None of the cited references disclose or suggest the claimed features of the invention, alone or in combination.

The Examiner is required to support an obviousness rejection with reasonable specificity in order to establish a *prima facie* case. See Ex parte Blanc, 13 USPQ2d 1383 (Bd. Pat. App. & Inter. 1989); see also M.P.E.P. §2142, ¶5. The Examiner, however, has failed to even minimally explain how the cited art shows all of the elements of the claimed invention. Various limitations are ignored by the Examiner, despite the fact that all limitations must be taught by the prior art for a rejection to be proper. See MPEP §2143.03. See also *Exxon Chemical Patents Inc. v. Lubrizol Corp.* 35 USPQ2d 1801, 1808 (Fed. Cir. 1995) (stating that “we must give meaning to all words in [the] claim”); and see *Environmental Instruments, Inc. v. Sutron Corp.*, 11 USPQ2d 1132, 1134 (Fed. Cir. 1989) (stating that the words in a claim have meaning and must be given effect).

Consequently, because the examiner has not met the burden of the *prima facie* case of obviousness, the applicant is not required to present evidence of non-obviousness. M.P.E.P. §2142, ¶1. Therefore, a rejection based on 35 U.S.C. §103(a) is improper and the claims, as written, should be allowed.

**Issue 2: Whether Claims 1-8, 14-19, 21, 23-30, 32, 39-46, 48-53, And 68-71
Are Patentable Under 35 U.S.C. §103(a) Over Williams et al. (U.S.
6,016,484) In View Of Walker et al. (U.S. 6,240,396).**

Claims 1-8, 14-19, 21, 23-30, 32, 39-46, 48-53, and 68-71 were rejected under 35 U.S.C. §103(a) as being unpatentable over Williams et al. (U.S. 6,016,484) (hereinafter “Williams”) in view of Walker et al. (U.S. 6,240,396) (hereinafter “Walker”). However, the rejection is improper for the following reasons:

A. The References, Even If Combined, Do Not Teach An “Issuance Means” For Issuing Both An “Exchange Certificate” And An “Electronic Asset”.

In all of the cited claims, both an “exchange certificate” (or a “receipt certificate”) is issued by the issuance means, and an “electronic asset” is also issued by the issuance means (claims 1, 39, 41 and 43) or, in claim 3, is exchanged for the electronic asset. Claims 1, 39, and 43 all state that the exchange certificate is for verifying a user's right to receive the electronic asset. The exchange certificate and the electronic asset are *different* elements of each the cited claims.

Claim 1 recites an electronic asset utilization system comprising “issuance means” for “issuing an *exchange certificate* verifying a user's right to receive the *electronic asset*,” (lines 5-6, emphasis added) and also for “issuing the electronic asset corresponding to the exchange certificate.” (lines 6-7, emphasis added).

Claim 3 recites “issuance means for issuing an *exchange certificate* capable of being exchanged for the *electronic asset*” (lines 10-11, emphasis added).

Claim 39 recites “issuance means” which issues “an *exchange certificate* verifying a user's right to receive the *electronic asset*” (lines 7-8, emphasis added) and which “also issues

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the electronic asset corresponding to an exchange certificate” (lines 9-10).

Claim 41 recites “issuance means for issuing an *exchange certificate* capable of being exchanged for the *electronic asset*” (lines 6-7, emphasis added), and also for issuing “the *electronic asset* corresponding to the *exchange certificate* after the settlement processing means has settled the charge” (lines 7-9).

Claim 43 recites “issuance means which issues an *exchange certificate* verifying a user's right to receive the *electronic asset*, and which also issues an *electronic asset* corresponding to the *exchange certificate*” (lines 3-5, emphasis added).

Claim 33 recites “a receipt certificate issuance step of issuing a receipt certificate verifying booking of a desired electronic asset requested in the booking request step” (lines 7-8) and “an electronic asset issuance step of issuing the electronic asset corresponding to the receipt certificate” (lines 17-18). And Claim 42 recites “issuance means” for “issuing a receipt certificate verifying booking of a desired electronic asset represented by the signal” (lines 3-4), and for issuing “the electronic asset corresponding to the receipt certificate” (lines 14-15). For the purposes of this discussion, the term “receipt certificate” is analogized to an “exchange certificate”.

Note that in all of these claims, an “exchange certificate” (or, by analogy, a “receipt certificate”) is issued by the issuance means. Further, an electronic asset is also issued by the issuance means (claims 1, 39, 41 and 43) or (in claim 3) is exchanged for the electronic asset. Further note that the exchange certificate is for verifying a user's *right* to receive the electronic asset. Thus, in all of the cited claims, the exchange certificate and the electronic asset are different elements of the cited claims.

Neither reference teaches both an electronic asset and an exchange certificate as limited

by the claims. Williams does not teach the issuance of an exchange certificate *and* an electronic asset (claim 1). Further, Williams does not teach an exchange certificate which can be exchanged for an electronic asset. Instead, Williams teaches a system for managing electronic payment options or an electronic monetary system and the reference suggests that its management scheme can support some forms of electronic assets, such as smart cards (see col. 2, lines 56-65). However, Williams does not suggest issuance of an exchange certificate different from an electronic asset.

The Examiner, on page 5 of the April 30, 2003 Office action, appears to admit that Williams does not teach the “exchange certificate” as recited by the claims. Thus, the Examiner cites Walker for teaching an exchange certificate.

However, Walker does not overcome the Williams’ shortcomings. Walker teaches a means for facilitating the buying and selling of tickets between buyers and sellers. Walker does not suggest a system for issuing exchange certificate and electronic assets, as recited in the claim.

Walker does not teach any issuance means for issuing both an exchange certificate and an electronic asset, as required by claims 1, 3, 39, 41 and 43, or the issuance of both a receipt certificate and an electronic asset, as required by claims 33 and 42. The Examiner cites the “conditional offer” as being an exchange certificate and the “guaranteed purchase offer” as being an electronic asset (both shown in FIG. 1 of Walker). However, Walker does not suggest that both of these elements are issued by an issuance means (claims 1, 3 33, 39, and 41-43) as required by the respective claim language.

Instead, the “guaranteed purchase offer” of Walker is issued by the potential purchaser user (see col. 7, lines 58-60 and FIG. 7b). The offer is guaranteed because the purchaser cannot

back out of the offer to purchase if the offer is accepted. In contrast, Walker's "conditional offer" is issued by the network to potential seller users. It is basically made up of a collection of "guaranteed purchase offers" from various potential purchasers (see figure 7b and col. 8, lines 1-10). The offer is "conditional" because the seller may choose whether to accept it or not (id). Accordingly, the "guaranteed purchase offer" of Walker is issued by a different entity than the "conditional offer", and there is no suggestion that one could be exchanged for another.

In fact, the terms "conditional offer" and "guaranteed purchase offer" are merely different types of offers. A "conditional offer" is, by its terms, an offer that is *conditioned* on something, and might be, for example, revocable, whereas a "guaranteed offer" by its terms, cannot be revoked (i.e., is legally binding). These definitions are consistent with how the terms are used by Walker. Both terms, however, are merely represent different types of "offers". Neither is truly an "asset" under the ordinary meaning of the terms, or as used in the references, and neither would be comparable to the term "electronic asset" as used by the applicant in the specification. Further, even if one were "exchanged" for another, that would merely represent a transformation of one type of offer into another. No transfer of any thing of "value" is involved. An "offer" must be "accepted" to have any value, and this requires the participation of two parties, which is not comparable to the "exchange" of an "exchange certificate", which represents a "right to receive", for an "electronic asset" which has value. Because an asset must have "value", the transmission of an "offer", as taught by Walker, does not suggest the transfer of an asset.

The Examiner, who states that an "asset" is something of "value" (see page 5, second paragraph, of the Office action of April 30, 2003), improperly attempts to apply the term "electronic asset" to an item that typically does not have value (i.e., an "offer"). Further, the Exam-

iner confuses an offer/acceptance scenario (i.e., a legal exchange representing a “sale”) as discussed in Walker with the scenario of exchanging a right to receive an asset for the asset itself. These are clearly very different operations.

Hence, Walker cannot be properly cited for teaching both an electronic asset and an exchange certificate (or receipt certificate) as recited in the cited claims, and thus, the combination of Williams with Walker does not teach all of the elements of the cited claims. Consequently, the rejection is improper, making claims 1, 3, 33, 39, and 41-43 patentable over the references, even if they are combined.

Claim 14 describes the submittal of a receipt certificate being used to trigger the issuing (i.e., an exchange) of a corresponding electronic asset (lines 10-15), similar to claims 33 and 42. Claim 23 recites an “an exchange step of exchanging the exchange certificate for electronic asset corresponding to the exchange certificate” (lines 6-7). Claim 25 recites an “issuance step of issuing an exchange certificate capable of being exchanged for the electronic asset” (lines 9-11). Claim 31 recites “an electronic asset issuance step of issuing the electronic asset corresponding to [a previously submitted] receipt certificate” (lines 13-15 & 20-21). Claim 39 recites “issuance means which, after the settlement processing means has settled the charge, issues an exchange certificate verifying a user's right to receive the electronic asset and which also issues the electronic asset corresponding to an exchange certificate” (lines 5-8). Claim 41 describes an exchange certificate being submitted to a server and an electronic asset being transmitted as a result (lines 12-15). Claim 43 describes an issuance means issuing both an exchange certificate and an electronic asset (lines 3-5). Claim 45 describes an exchange certificate being exchanged for an electronic asset (lines 6-14). Claim 46 recites “issuance means issues the electronic asset corresponding to the [previously submitted] receipt certificate” (lines 11-12 & 14-15). As dis-

cussed in relation to claim 1 and/or claim 3, above, the cited references do not teach issuance of both an exchange certificate (or a receipt certificate) and an electronic asset, nor do the references teach that the certificate is exchanged for (or its submission triggers the issuance of) an electronic asset. Consequently, claims 1, 3, 14, 23, 25, 31, 33, 39, 41-43, 45, and 46 are all patentable over the cited references for the reasons discussed in this section. The remaining claims, each of which depends on one of the above claims, are each patentable for at least the reasons discussed in this section.

B. The References Do Not Teach Issuing An “Electronic Asset” At A “Predetermined Date And Time”.

None of the references suggest issuing and/or transmitting an electronic asset at a “predetermined date and time” as recited in the cited claims. Both Williams and Walker suggests only a *real-time* transmission of items that are transmitted when offered and/or accepted, which is not a “predetermined time”. There is nothing found in either reference that suggests a “predetermined date and time” as claimed.

Claim 1 recites “a terminal” which “outputs a signal for instructing transmission of an electronic asset on a *predetermined date and time*” (lines 2-3, emphasis added) and a “a server” which “transmits the electronic asset to the terminal or to another predetermined terminal on the predetermined date and time” (lines 8-9, emphasis added).

Claim 2 recites “processing means” which transmits “the electronic asset, on the *predetermined date and time*, to the terminal to which the exchange certificate has been transmitted” (lines 7-10, emphasis added).

Claim 23 recites “an electronic asset transmission step of transmitting the desired electronic asset to the terminal or to another predetermined terminal on the *predetermined date and time*” (lines 11-13, emphasis added).

Claim 39 recites “means for transmitting a desired electronic asset to the terminal or another predetermined terminal on a *predetermined date and time* in accordance with an instruction signal issued from the terminal for transmitting the desired electronic asset on the *predetermined date and time*” (lines 3-6, emphasis added).

Claim 40 recites “processing means which transmits to the terminal or another predetermined terminal the exchange certificate issued by the issuance means and transmits the electronic asset, on the *predetermined date and time*” (lines 4-6, emphasis added).

Claim 43 recites “a terminal” which “outputs a signal for instructing transmission of a desired electronic asset on a *predetermined date and time*” (lines 6-8, emphasis added) and a “server” which “transmits the desired electronic asset to the terminal or another predetermined terminal on the *predetermined date and time*” (lines 9-11, emphasis added).

Claim 44 recites “processing means which transmits to the terminal or another predetermined terminal the exchange certificate issued by the issuance means and transmits the electronic asset, on the *predetermined date and time*” (lines 7-9, emphasis added).

Neither Williams nor Walker suggest issuing and/or transmitting an electronic asset at a “predetermined date and time” as recited in each of the cited claims. Instead, both Williams and Walker suggests only a *real-time* transmission of items that are transmitted when offered and/or accepted, which is not a “predetermined time” as that term would be understood by one skilled in

the art. But even if the references do not explicitly teach a real-time process, there is nothing found in the references that suggests a “predetermined date and time” as claimed.

Despite applicant’s arguing in numerous prior responses that none of the references suggest a “predetermined date and time”, the Examiner has failed to adequately point out where the references teach this limitation. The final Office action ignores this limitation completely, and thus the Examiner has failed to show that the reference teach each and every claim limitation, as required by MPEP §2143.03.

Nevertheless, in a prior Office action (mailed August 16, 2002), the Examiner argued that “a real-time methodology includes a predetermined date and time since regardless of a transmission there will be a date and time associated with such”. Such an argument ignores the plain meaning of the term “predetermined” and is not based on the understanding of one skilled in the art about real-time systems versus predetermined issuance. One skilled in the art would understand that issuing an asset at a “predetermined” date and time means issuing at a date and time that is decided (i.e., determined) in advance and is a date/time-certain. Thus, it is a deterministic result. In contrast, a “real-time” process is known to be one that, although it *might* take a known amount of processing time, has an indeterminate completion unless the triggering event date and time is known. To turn a “real-time” process result into a “predetermined” one would require that both the process *length* be controlled (or fixed and known, or predetermined), and that the *triggering event* that causes the process to execute be controlled as to date and time (i.e., the trigger must be predetermined). Only then *might* the result become predetermined.

However, none of the references suggest any such control of any process duration. Further, none of the references suggest controlling the date and time of any triggering event. In fact, Walker relies on the actions of buyers and sellers to trigger processes, and thus the triggering

events are not controlled. Likewise, Williams appears to rely on outside inputs to trigger its processes. Consequently, none of the references suggest that any issuing, exchanging, or serving occurs at a “predetermined date and time” as claimed. Consequently, the Examiner has not met his burden to show that the references teach all of the claim limitations, and hence claims 1, 2, 23, 39, 40, and 43-44 are patentable over the references, even if the references are combined.

Claims 2, 20-22, 24, 27-32, 38, 40, 47, 49, 54, 56-70, 78-79, 82-83, each of which depends, directly or indirectly, on one or more of the above claims, are all patentable for at least the same reasons discussed in this section.

C. The References Do Not Teach “Exchanging” An Exchange Certificate For An Electronic Asset.

The references do not suggest exchanging an “exchange certificate” for an electronic asset. Further, there is no teaching of an “exchange” of the “guaranteed purchase offer” and the “conditional offer” taught by the references. Accordingly, the references do not teach the “exchange” recited in the following claims:

Claim 6 recites “an expiration date by which the exchange certificate can be *exchanged* for a corresponding electronic asset” (lines 2-3, emphasis added).

Claim 23 recites an “an exchange step of *exchanging* the exchange certificate for electronic asset corresponding to the exchange certificate” (lines 6-7, emphasis added).

Claim 25 recites an “issuance step of issuing an exchange certificate capable of being *exchanged* for the electronic asset” (lines 9-11, emphasis added).

Claim 28 recites “an expiration date by which the exchange certificate can be *exchanged* for a corresponding electronic asset is set for the exchange certificate” (lines 2-4, emphasis added).

Claim 41 recites “issuance means for issuing an exchange certificate capable of being *exchanged* for the electronic asset” (lines 6-7, emphasis added).

Claim 45 describes an exchange certificate being *exchanged* for an electronic asset (lines 6-14).

However, none of the references suggest exchanging an exchange certificate for an electronic asset. The Examiner cites Walker as teaching these elements of the cited claims. However, it is clear that there is no teaching of an “exchange” of the “guaranteed purchase offer” and the “conditional offer” of Walker, and thus, even if one (improperly) analogizes the “guaranteed purchase offer” and the “conditional offer” as corresponding to the exchange certificate and the electronic asset, as the Examiner suggests, the reference fails to suggest that one is “exchanged” for the other.

Further, an “offer”, as one used the term in legal parlance, is combined with an “acceptance” to have a “sale”. One offer is not exchanged for another offer. But even if one reads Walker as suggesting an offer being exchanged for another offer, these are done by the *purchaser* and the *seller*, not by the *system* itself. The Walker system does not *issue* either the offer or any counter offer or acceptance, it merely forwards (transmits) them to the proper party (see FIGs 7a-e). Further, neither “offer” can be considered an “electronic asset”, as discussed in section A, above, and thus the analogy fails.

The Walker system merely provides the means for connecting the offer from the potential purchaser to the seller, and the acceptance from the seller to the purchaser, along with validation activities. Thus, Walker facilitates the negotiation of a sale. Walker does not "issue" any offers or acceptances, and it does not teach "exchanging" an exchange certificate for an electronic asset.

Williams does not overcome the Walker shortcomings, and, in fact, the Examiner does not cite Williams against the above cited limitations of the claims. Hence, the combination of Williams with Walker does not teach the cited claim limitations, and hence the Examiner has failed to make a prima facie case of obviousness, because the references, even if combined, do not teach all of the elements of the claims, as required. Thus, claims 3, 6, 23, 25, 28, 41, and 45 are improperly rejected, and hence patentable over the references. Claims 4-5, 7-13, 20-21, 24, 27-32, 38, 47-49, 55-70, and 72-81, each of which depends, directly or indirectly, on one or more of the above claims, are thus patentable for the same reasons discussed in this section.

D. Examiner Has Failed To Support A Prima Facie Case Of Obviousness

The Examiner has not provided the proper motivation for combining the references. The burden is on the Examiner to make a prima facie case of obviousness (MPEP §2142). To support a prima facie case of obviousness, the Examiner must show that there is some suggestion or motivation to modify the reference(s) (MPEP §2143.01). The mere fact that references can be combined or modified, alone, is not sufficient to establish prima facie obviousness (Id.). The prior art must also suggest the desirability of the combination (Id.). The fact that the claimed invention is within the capabilities of one of ordinary skill in the art is not sufficient, by itself, to establish prima facie obviousness (Id.).

The Examiner has not cited any proper motivation to modify the reference. Conclusory statements of benefit, are not sufficient to show obviousness. Merely listing an advantage of the combination is also not sufficient, as some rationale for combining the references must be found in the references, or drawn from a convincing line of reasoning based on established scientific principles that some advantage or beneficial result would be produced by the combination (MPEP §2144). Such motivation cannot be found in the application itself, as such hindsight is impermissible; the facts must be gleaned from the prior art. (MPEP §2142, last paragraph).

The Examiner argues in the latest Office action that, because Williams teaches that some assets require intermediary steps for the purpose of resale and because verification is required for certain assets, it would be obvious to add an "exchange certificate" and "issue an electronic asset" (second last paragraph of page 5 of the Office action). This argument fails to provide the proper motivation, because it takes general issues of "intermediary steps" and "verification" and attempts to use that to suggest specific solutions. Such general observations (to which the Examiner has not even provided citations in the reference) would not "motivate" one toward the Walker reference, especially because the elements that the Examiner cited as being analogous to an "exchange certificate" are not even identified by Walker as being for "verification". Thus, the Examiner is attempting to make an "apples to oranges" motivation argument. He cites as motivation a need that is not even suggested as being solved by the "motivated to" reference. Accordingly, this cannot be a proper motivation for combining the references.

Because the Examiner has not supported a prima facie case of obviousness, the combination is improper and hence the rejection cannot stand. Accordingly, the rejection of claims 1-8, 14-19, 21, 23-30, 32, 39-46, 48-53, and 68-71 under 35 U.S.C. §103(a), is improper because the

Examiner has failed to support a prima facie case of obviousness, and thus the rejections should be withdrawn for this reason as well as for the reasons discussed elsewhere under Issue I.

Issue III: Whether Claims 9-13, 22, 32, 38, 47, 54, 72-83 Are Patentable Over Williams In View Of Walker In Further View Of Hughes et al. (U.S. 5,982,893):

Hughes does not overcome the shortcomings of Williams combined with Walker identified under Issue I, above (i.e., Hughes does not teach issuance of both an exchange certificate and an electronic asset, their exchange, or the issuance at a predetermined time). Hence, the combination of Williams, Walker, and Hughes does not teach all of the claim limitations for the reasons discussed above in sections I(A)-I(C).

Further, the Examiner has not corrected the lack of motivation for combining the references, as also discussed above in section I(D). Hence, the proper motivation for combining the Hughes with Walker and Williams, is lacking, and thus the Examiner has not supported a prima facie case of obviousness. Accordingly, claims 9-13, 22, 32, 38, 47, 54, 72-83 are patentable over the references for the same or similar reasons already discussed.

CONCLUSION

For the reasons stated above, the applicants claims represent a new, useful, nonobvious system and method for electronic asset utilization.

The Examiner's claim rejections under 35 U.S.C. §112, second paragraph, for referring back to a different class of invention are improper, because the Examiner has provided no legal basis for such a rejection.

Appl. No. 09/505,810
Brief Dated October 30, 2003
Reply to Office action of April 30, 2003

The Examiner has also failed to establish a prima facie case of obviousness under 35 U.S.C. §103(a) for claims 1, 3, 14, 23, 25, 31, 39, 41, 42, 43, 45, and 46, because the prior art cited by the examiner, even taken in combination, fails to teach issuance of both an exchange certificate and an electronic asset. The Examiner has additionally failed to establish a prima facie case of obviousness under 35 U.S.C. §103(a) for claims 1, 2, 23, 39, 40, and 43-44, because the cited references fail to teach issuance of an electronic asset at a predetermined date and time. Further, the Examiner has failed to establish a prima facie case of obviousness under 35 U.S.C. §103(a) for claims 3, 6, 23, 25, 28, 41, and 45, because the references fail to teach the exchange of an exchange certificate for an electronic asset. Finally, the Examiner has failed to provide the proper motivation for combining the references, and thus the rejections cannot stand.

Consequently, the rejection of all of the claims for obviousness by the examiner is not supported, and thus the claims are patentable over the references. Accordingly applicant respectfully requests the Board of Patent Appeals and Interferences to reverse the rejection of the claims and return the case to the examiner for issuance of a notice of allowability.

If there are any additional fees resulting from this communication, please charge all uncovered fees to our Deposit Account No. 16-0820, our Order No. 32410.

Respectfully submitted,

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Appendix A

1 1. An electronic asset utilization system comprising:
2 a terminal which is connected to a communications network
3 and outputs a signal for instructing transmission of
4 an electronic asset on a predetermined date and time;
5 issuance means for issuing an exchange certificate verify-
6 ing a user's right to receive the electronic asset,
7 and also for issuing the electronic asset correspond-
8 ing to the exchange certificate; and
9 a server which is connected to the communications network
10 and transmits the electronic asset to the terminal or
11 to another predetermined terminal on the predetermined
12 date and time.

1 2. The electronic asset utilization system as defined in
2 claim 1, wherein the server comprises
3 settlement processing means for settling a charge billed to
4 the electronic asset represented by the signal,
5 wherein said issuance means issues said exchange cer-
6 tificate after the settlement processing means has
7 settled the charge; and
8 processing means which transmits the exchange certificate
9 issued by the issuance means to the terminal or to an-
10 other predetermined terminal and transmits the elec-
11 tronic asset, on the predetermined date and time, to
12 the terminal to which the exchange certificate has
13 been transmitted.

1 3. An electronic asset utilization system comprising:

2 a terminal which is connected to a communications network
3 and outputs a signal for requesting purchase of a de-
4 sired electronic asset; and
5 a server which is connected to the communications network
6 and comprises settlement processing means for settling
7 a charge billed to the electronic asset represented by
8 the signal,
9 issuance means for issuing an exchange certificate capable
10 of being exchanged for the electronic asset, and an
11 electronic ticket corresponding to the exchange cer-
12 tificate after the settlement processing means has
13 settled the charge, and
14 processing means for transmitting to the terminal or an-
15 other predetermined terminal the exchange certificate
16 issued by the issuance means, wherein,
17 when an exchange certificate is submitted to the server by
18 way of the communications network, the processing
19 means transmits, to the terminal that has submitted
20 the exchange certificate, an electronic asset corre-
21 sponding to the exchange certificate.

1 4. The electronic asset utilization system as defined in
2 claim 3, wherein, in a case where the terminal is a portable
3 mobile terminal, submission of an exchange certificate to the
4 server and/or transmission of an electronic asset to the
5 terminal that has submitted the exchange certificate are carried
6 out by way of a stationary terminal which can exchange data with
7 the terminal.

1 5. The electronic asset utilization system as defined in
2 claim 3, wherein the exchange certificate comprises settlement
3 information indicating that the charge billed to the electronic

4 asset has already been settled, and status information
5 indicating that the corresponding electronic asset has not yet
6 been received.

1 6. The electronic asset utilization system as defined in
2 claim 5, wherein an expiration date by which the exchange
3 certificate can be exchanged for a corresponding electronic
4 asset is set for the exchange certificate.

1 7. The electronic asset utilization system as defined in
2 claim 6, wherein, in a case where the exchange certificate has
3 not yet been exchanged for the electronic asset corresponding to
4 the exchange certificate even though the expiration date has
5 nearly arrived, the processing means sends, to the terminal to
6 which the exchange certificate has been transmitted, a message
7 indicating that the expiration date has nearly arrived.

1 8. The electronic asset utilization system as defined in
2 claim 6, wherein, in a case where the exchange certificate has
3 not yet been exchanged for the electronic asset corresponding to
4 the exchange certificate even when the expiration date has
5 nearly arrived, the processing means issues to the terminal to
6 which the exchange certificate has been transmitted a request
7 for downloading the electronic asset or forcibly transmits the
8 electronic asset corresponding to the exchange certificate to
9 the terminal.

1 9. The electronic asset utilization system as defined 6,
2 wherein the server has past-due processing means, and in the
3 event that the exchange certificate still has not been exchanged
4 for a corresponding electronic asset even after lapse of the
5 expiration date of the exchange certificate the past-due

6 processing means sends, to the terminal to which the exchange
7 certificate has been transmitted, a message indicating that the
8 expiration date has passed and a request for downloading the
9 electronic asset, or forcedly transmits the electronic asset.

1 10. The electronic asset utilization system as defined in
2 6, wherein the past-due processing means issues to the terminal
3 to which the exchange certificate has been transmitted a request
4 for deleting or invoking the expired exchange certificate.

1 11. The electronic asset utilization system as defined in
2 6, wherein, upon receipt of the message or the download request
3 from the server, the terminal indicates, on a display section,
4 the message or details of the download request and/or details of
5 the exchange certificate.

1 12. The electronic asset utilization system as defined in
2 claim 6, wherein, upon receipt of the message or the download
3 request from the server, the terminal issues voice notification
4 indicating receipt of the message or the download request.

1 13. The electronic asset utilization system as defined in
2 claim 10, wherein, upon receipt of a request for deleting or
3 invoking the expired exchange certificate from the past-due
4 processing means, the terminal deletes or invokes the exchange
5 certificate.

1 14. An electronic asset utilization system comprising:
2 a terminal which is connected to a communications network
3 and outputs a signal for requesting booking of a de-
4 sired electronic asset; and

5 a server which is connected to the communications network
6 and comprises issuance means for issuing a receipt
7 certificate verifying booking of a desired electronic
8 asset represented by the signal, processing means for
9 transmitting the receipt certificate issued by the is-
10 suance means to the terminal or to another predeter-
11 mined terminal, and settlement processing means for
12 settling a charge billed to the electronic asset cor-
13 responding to the receipt certificate, wherein,
14 in a case where the receipt certificate is submitted to the
15 server by way of the communications network, after the
16 settlement processing means has settled the charge
17 billed to the electronic asset corresponding to the
18 receipt certificate in accordance with requirements
19 described on the receipt certificate, the issuance
20 means issues the electronic asset corresponding to the
21 receipt certificate and the processing means transmits
22 the electronic asset to the terminal that has submit-
23 ted the receipt certificate.

1 15. The electronic asset utilization system as defined in
2 claim 14, wherein, in a case where the terminal is a portable
3 mobile terminal, submission of a receipt certificate to the
4 server, settlement of the charge billed to the electronic asset,
5 and/or transmission of the electronic asset to the terminal that
6 has submitted the receipt certificate are carried out by way of
7 a stationary terminal which is connected to the communications
8 network, can transfer data with respect to the terminal, and is
9 disposed to be stationary.

1 16. The electronic asset utilization system as defined in

2 claim 14, wherein the receipt certificate contains information
3 about the booked electronic asset and information about the
4 receipt certificate.

1 17. The electronic asset utilization system as defined in
2 claim 16, wherein an expiration date is set for the receipt
3 certificate such that the electronic asset can be received
4 before its expiration.

1 18. The electronic asset utilization system as defined in
2 claim 17, wherein the server issues to the terminal to which the
3 receipt certificate has been transmitted a request for deleting
4 or invoking an expired receipt certificate.

1 19. The electronic asset utilization system as defined in
2 claim 18, wherein, upon receipt of a request for deleting or in-
3 voking the expired receipt certificate from the server, the ter-
4 minal deletes or invokes the receipt certificate.

1 20. (original) The electronic asset utilization system as
2 defined in any one of claims 1, 2, 3, 4, 9, 14 and 15, wherein
3 the server has retransmission processing means, and, in the
4 event that transmission of an electronic asset, an exchange cer-
5 tificate, or a receipt certificate has failed, the retransmis-
6 sion processing means retransmits the electronic asset, the ex-
7 change certificate, or the receipt certificate.

1 21. The electronic asset utilization system as defined in
2 any one of claims 2, 3, and 14, wherein the server has retaining
3 means for retaining the electronic asset, the exchange certifi-

4 cate, and/or the receipt certificate issued by the issuance
5 means, and the retaining means retains the electronic asset even
6 when the exchange certificate corresponding to the retained
7 electronic asset has expired and retains the receipt certificate
8 even when the retained receipt certificate has expired.

1 22. The electronic asset utilization system as defined in
2 claims 1, wherein the server has electronic asset status
3 management means for managing the date and the time of issuance
4 status of the electronic asset, the effective term of the
5 electronic asset, whether there is the exchange certificate or
6 not, and the effective term of the exchange certificate,
7 wherein the electronic asset is issued by the issuance
8 means, and
9 wherein the exchange certificate is managed correspondingly
10 to the electronic asset.

1 23. An electronic asset utilization method using an
2 electronic asset utilization system having a terminal connected
3 to a communications network and a server connected to the
4 communications network, the method comprising:
5 an issuance step of issuing an exchange certificate verify-
6 ing a user's right to receive an electronic asset,
7 an exchange step of exchanging the exchange certificate for
8 electronic asset corresponding to the exchange cer-
9 tificate;
10 an instruction step of instructing the server to transmit a
11 desired electronic asset on a predetermined date and
12 time; and
13 an electronic asset transmission step of transmitting the
14 desired electronic asset to the terminal or to another

15 predetermined terminal on the predetermined date and
16 time, in accordance with the instruction.

1 24. The electronic asset utilization method as defined in
2 claim 23, further comprising:
3 a settlement step of settling a charge billed to the elec-
4 tronic asset instructed in the instruction step; and
5 an exchange certificate transmission step of transmitting
6 to the terminal or another predetermined terminal the
7 exchange certificate issued in the issuance step,
8 wherein in the electronic asset transmission step the
9 electronic asset is transmitted to the terminal to
10 which the exchange certificate has been transmitted.

1 25. An electronic asset utilization method using an elec-
2 tronic asset utilization system having a terminal connected to a
3 communications network and a server connected to the communica-
4 tions network, the method comprising:

5 a purchase request step of requesting the server to pur-
6 chase a desired electronic asset;
7 a settlement step of settling a charge billed to the elec-
8 tronic asset requested in the purchase request step;
9 an issuance step of issuing an exchange certificate capable
10 of being exchanged for the electronic asset, and the
11 electronic ticket corresponding to the exchange cer-
12 tificate;
13 an exchange certificate transmission step of transmitting
14 to the terminal or another predetermined terminal the
15 exchange certificate issued in the issuance step;

16 an exchange certificate submission step in which the termi-
17 nal submits the exchange certificate to the server by
18 way of the communications network; and
19 an electronic asset transmission step of transmitting to
20 the terminal that has submitted the exchange certifi-
21 cate an electronic asset corresponding to the exchange
22 certificate.

1 26. The electronic asset utilization method as defined in
2 claim 25, wherein, in a case where the terminal is a portable
3 mobile terminal, in the exchange certificate submission step
4 and/or the electronic asset transmission step submission of an
5 exchange certificate and/or transmission of the electronic asset
6 are carried out by way of a stationary terminal which is
7 connected to the communications network, can exchange data with
8 the terminal.

1 27. The electronic asset utilization method as defined in
2 any one of claims 24, 25, and 26, wherein the exchange certifi-
3 cate comprises settlement information indicating that the charge
4 billed to the electronic asset has already been settled and
5 status information indicating that the corresponding electronic
6 asset has not yet been received.

1 28. The electronic asset utilization method as defined in
2 claim 27, wherein an expiration date by which the exchange cer-
3 tificate can be exchanged for a corresponding electronic asset
4 is set for the exchange certificate.

1 29. The electronic asset utilization method as defined in
2 claim 28, further comprising a first message transmission step

3 of, in a case where the exchange certificate has not yet been
4 exchanged for the electronic asset corresponding to the exchange
5 certificate even though the expiration date is at hand, sending,
6 to the terminal to which the exchange certificate has been
7 transmitted, a message indicating that the expiration date is
8 very close at hand.

1 30. The electronic asset utilization method as defined in
2 claim 29, further comprising a download request step or a
3 forcibly transmit step of, in a case where the exchange
4 certificate still has not been exchanged for the electronic
5 asset corresponding to the exchange certificate even when the
6 expiration date is close at hand, issuing to the terminal to
7 which the exchange certificate has been transmitted a request
8 for downloading the electronic asset or forcibly transmitting
9 the electronic asset corresponding to the exchange certificate
10 to the terminal.

1 31. The electronic asset utilization method as defined in
2 any one of claims 28, 29, and 30, further comprising a second
3 message transmission step of transmitting, to the terminal to
4 which the exchange certificate has been transmitted, a mes-
5 sage indicating that the expiration date has passed in the event
6 that the exchange certificate has still not been exchanged for a
7 corresponding electronic asset even after lapse of the expira-
8 tion date of the exchange certificate; a download request step
9 of issuing, to the terminal to which the exchange certificate
10 has been transmitted, a request for downloading the electronic
11 asset in the event that the exchange certificate has still not
12 been exchanged for a corresponding electronic asset even after
13 lapse of the expiration date of the exchange certificate; or an

14 electronic asset forced transmission step of forcedly transmit-
15 ting the electronic asset to the terminal to which the exchange
16 certificate has been transmitted in the event that the exchange
17 certificate has still not been exchanged for a corresponding
18 electronic asset even after lapse of the expiration date of the
19 exchange certificate.

1 32. The electronic asset utilization method as defined in
2 claim 31, further comprising an exchange certificate deletion/
3 invocation request step of issuing to the terminal to which the
4 exchange certificate has been transmitted a request for deleting
5 or invoking the expired exchange certificate.

1 33. An electronic asset utilization method using an
2 electronic asset utilization system having a terminal connected
3 to a communications network and a server connected to the
4 communications network, the method comprising:
5 a booking request step of requesting booking of a desired
6 electronic asset;
7 a receipt certificate issuance step of issuing a receipt
8 certificate verifying booking of a desired electronic
9 asset requested in the booking request step;
10 a receipt certificate transmission step of transmitting, to
11 the terminal or another predetermined terminal, the
12 receipt certificate issued in the receipt certificate
13 issuance step;
14 a receipt certificate submission step in which the terminal
15 submits a receipt certificate to the server by way of
16 the communications network;
17 a settlement step of settling a charge billed to the elec-
18 tronic asset submitted in the receipt certificate sub-

19 mission step, in accordance with requirements de-
20 scribed in the receipt certificate;
21 an electronic asset issuance step of issuing the electronic
22 asset corresponding to the receipt certificate; and an
23 electronic asset transmission step of transmitting to
24 the terminal that has submitted the receipt certifi-
25 cate the electronic asset issued in the electronic as-
26 set issuance step.

1 34. The electronic asset utilization method as defined in
2 claim 33, wherein, in a case where the terminal is a portable
3 mobile terminal, in the receipt certificate submission step, the
4 settlement step, and/or the electronic asset transmission step,
5 submission of a receipt certificate to the server, settlement of
6 the charge billed to the electronic asset and/or transmission of
7 the electronic asset are carried out by way of a stationary ter-
8 minal which is connected to the communications network, can
9 transfer data with respect to the terminal, and is disposed to
10 be stationary.

1 35. The electronic asset utilization method as defined in
2 claim 33 or 34, wherein the receipt certificate contains infor-
3 mation about the booked electronic asset and information about
4 the receipt certificate.

1 36. The electronic asset utilization method as defined in
2 claim 35, wherein an expiration date is set for the receipt cer-
3 tificate such that the electronic asset can be received.

1 37. The electronic asset utilization method as defined in

2 claim 36, further comprising a receipt certificate deletion/
3 invocation step of issuing to the terminal to which the receipt
4 certificate has been transmitted a request for deleting or
5 invoking an expired receipt certificate.

1 38. The electronic asset utilization method as defined in
2 any one of claims 23, 24, 25, and 26, further comprising a
3 retransmission step of, in an event that transmission of the
4 issued electronic asset, exchange certificate, or receipt
5 certificate has failed in the electronic asset transmission
6 step, the electronic asset forced transmission step, the
7 exchange certificate transmission step, or the receipt
8 certificate transmission step, retransmitting the electronic
9 asset, the exchange certificate, or the receipt certificate.

1 39. A server comprising:
2 means for connecting to a terminal by way of a communica-
3 tions network;
4 means for transmitting a desired electronic asset to the
5 terminal or another predetermined terminal on a prede-
6 termined date and time in accordance with an instruc-
7 tion signal issued from the terminal for transmitting
8 the desired electronic asset on the predetermined date
9 and time; and
10 issuance means which, after the settlement processing means
11 has settled the charge, issues an exchange certificate
12 verifying a user's right to receive the electronic as-
13 set, and which also issues the electronic asset corre-
14 sponding to an exchange certificate.

1 40. The server as defined in claim 39, further comprising:

2 settlement processing means for settling a charge billed to
3 the electronic asset represented by the signal; and
4 processing means which transmits to the terminal or another
5 predetermined terminal the exchange certificate issued
6 by the issuance means and transmits the electronic as-
7 set, on the predetermined date and time, to the termi-
8 nal to which the exchange certificate has been trans-
9 mitted.

1 41. A server connected to a terminal by way of a
2 communications network, the server comprising:
3 settlement processing means for settling a charge billed to
4 a desired electronic asset represented by the signal,
5 in accordance with a request signal issued by the ter-
6 minal for purchasing the electronic asset;
7 issuance means for issuing an exchange certificate capable
8 of being exchanged for the electronic asset, and also
9 for issuing the electronic asset corresponding to the
10 exchange certificate after the settlement processing
11 means has settled the charge; and
12 processing means for transmitting the exchange certificate
13 issued by the issuance means to the terminal or an-
14 other predetermined terminal, wherein,
15 when an exchange certificate is submitted to the server by
16 way of the communications network, the processing
17 means transmits, to the terminal that has submitted
18 the exchange certificate, an electronic asset corre-
19 sponding to the exchange certificate.

1 42. A server connected to a terminal by way of a
2 communications network, the server comprising:

3 issuance means for issuing a receipt certificate verifying
4 booking of a desired electronic asset represented by
5 the signal, in accordance with a request signal issued
6 by the terminal for booking the desired electronic as-
7 set;

8 processing means for transmitting to the terminal or an-
9 other predetermined terminal the receipt certificate
10 issued by the issuance means;

11 settlement processing means for settling a charge billed to
12 the electronic asset corresponding to the receipt cer-
13 tificate, wherein,

14 in a case where the receipt certificate is submitted to the
15 server by way of the communications network, after the
16 settlement processing means has settled the charge
17 billed to the electronic asset corresponding to the
18 receipt certificate in accordance with requirements
19 described on the receipt certificate, the issuance
20 means issues the electronic asset corresponding to the
21 receipt certificate and the processing means transmits
22 the electronic asset to the terminal that has submit-
23 ted the receipt certificate.

1 43. A server apparatus for use with an electronic asset
2 utilization system comprising:

3 issuance means which issues an exchange certificate verify-
4 ing a user's right to receive the electronic asset,
5 and which also issues an electronic asset correspond-
6 ing to the exchange certificate;

7 a terminal which is connected to a communications network
8 and outputs a signal for instructing transmission of a
9 desired electronic asset on a predetermined date and
10 time; and

11 a server which is connected to the communications network
12 and transmits the desired electronic asset to the ter-
13 minal or another predetermined terminal on the prede-
14 termined date and time.

1 44. The server apparatus as defined in claim 43, wherein
2 the server apparatus comprises
3 settlement processing means for settling a charge billed to
4 the electronic asset represented by the signal,
5 wherein said issuance means issues the exchange cer-
6 tificate after the settlement processing means has
7 settled the charge; and
8 processing means which transmits to the terminal or another
9 predetermined terminal the exchange certificate issued
10 by the issuance means and transmits the electronic as-
11 set, on the predetermined date and time, to the termi-
12 nal to which the exchange certificate has been trans-
13 mitted.

1 45. A server apparatus for use with an electronic asset
2 utilization system comprising:
3 a terminal which is connected to a communications network
4 and outputs a signal for requesting purchase of a de-
5 sired electronic asset; and
6 a server which is connected to the communications network
7 and comprises settlement processing means for settling
8 a charge billed to the electronic asset represented by
9 the signal, issuance means for issuing an exchange
10 certificate capable of being exchanged for the elec-
11 tronic asset, and the electronic ticket corresponding
12 to the exchange certificate after the settlement proc-
13 essing means has settled the charge, and processing

14 means for transmitting to the terminal or another pre-
15 determined terminal the exchange certificate issued by
16 the issuance means, wherein, when an exchange certifi-
17 cate is submitted to the server by way of the communi-
18 cations network, the processing means transmits, to
19 the terminal that has submitted the exchange certifi-
20 cate, an electronic asset corresponding to the ex-
21 change certificate.

1 46. A server apparatus for use with an electronic asset
2 utilization system comprising:
3 a terminal which is connected to a communications network
4 and outputs a signal for requesting booking of a de-
5 sired electronic asset; and
6 a server which is connected to the communications network
7 and comprises issuance means for issuing a receipt
8 certificate verifying booking of a desired electronic
9 asset represented by the signal, processing means for
10 transmitting to the terminal or another predetermined
11 terminal the receipt certificate issued by the issu-
12 ance means, and settlement processing means for set-
13 tling a charge billed to the electronic asset corre-
14 sponding to the receipt certificate, wherein,
15 in a case where the receipt certificate is submitted to the
16 server by way of the communications network, after the
17 settlement processing means has settled the charge
18 billed to the electronic asset corresponding to the
19 receipt certificate in accordance with requirements
20 described on the receipt certificate, the issuance
21 means issues the electronic asset corresponding to the
22 receipt certificate and the processing means transmits

23 the electronic asset to the terminal that has submit-
24 ted the receipt certificate.

1 47. A computer-readable recording medium on which there is
2 recorded a program for causing a computer to execute an
3 electronic asset utilization method as defined in any one of
4 claims 23 through 26, 33, and 34.

1 48. The electronic asset utilization system as defined in
2 claim 6, wherein, in a case where the exchange certificate has
3 not yet been exchanged for the electronic asset corresponding to
4 the exchange certificate even when the expiration date has
5 nearly arrived, the processing means sends, to the terminal to
6 which the exchange certificate has been transmitted, a message
7 indicating that the expiration date has nearly arrived, and
8 in a case where the exchange certificate has not yet been
9 exchanged for the electronic asset corresponding to the exchange
10 certificate even when the expiration date is imminent, the
11 processing means issues to the terminal to which the exchange
12 certificate has been transmitted a request for downloading the
13 electronic asset or forcibly transmits the electronic asset
14 corresponding to the exchange certificate to the terminal.

1 49. The electronic asset utilization method as defined in
2 claim 28, further comprising a download request step or a forc i-
3 bly transmit step of, in a case where the exchange certificate
4 still has not been exchanged for the electronic asset corre-
5 sponding to the exchange certificate even when the expiration
6 date is close at hand, issuing to the terminal to which the ex-
7 change certificate has been transmitted a request for download-
8 ing the electronic asset or forcibly transmitting the electronic
9 asset corresponding to the exchange certificate to the terminal.

1 50. The electronic asset utilization system as defined in
2 claim 17, wherein, in a case where the receipt certificate has
3 not yet been exchanged for the electronic asset corresponding to
4 the receipt certificate even when the expiration date is close
5 at hand, the processing means sends, to the terminal to which
6 the receipt certificate has been transmitted, a message indicat-
7 ing that the expiration date is close at hand.

1 51. The electronic asset utilization system as defined in
2 claim 17, wherein the terminal displays at least one of the mes-
3 sage and a content of the receipt certificate on a display por-
4 tion, when the terminal receives the message from the server.

1 52. The electronic asset utilization system as defined in
2 claim 50 or 51, wherein the terminal generates a sound
3 representing a receiving of the message, when the terminal
4 receives the message from the server.

1 53. The electronic asset utilization method as defined in
2 claim 36, further comprising third message sending step for
3 sending to the terminal to which the receipt certificate has
4 been transmitted, a message indicating that the expiration date
5 has nearly arrived, in a case where the receipt certificate has
6 not yet been exchanged for the electronic asset corresponding to
7 the receipt certificate even when the expiration date has nearly
8 arrived.

1 54. The electronic asset utilization system as defined in
2 claim 2, wherein the exchange certificate comprises settlement
3 information indicating that the charge billed to the electronic

4 asset has already been settled, and status information
5 indicating that the corresponding electronic asset has not yet
6 been received.

1 55. The electronic asset utilization system as defined in
2 claim 7, wherein, in a case where the exchange certificate has
3 not yet been exchanged for the electronic asset corresponding to
4 the exchange certificate even when the expiration date has
5 nearly arrived, the processing means issues to the terminal to
6 which the exchange certificate has been transmitted a request
7 for downloading the electronic asset or forcibly transmits the
8 electronic asset corresponding to the exchange certificate to
9 the terminal.

1 56. The electronic asset utilization method as defined in
2 claim 28 further comprising a second message transmission step
3 of transmitting, to the terminal to which the exchange
4 certificate has been transmitted, a message indicating that the
5 expiration date has passed in the event that the exchange
6 certificate has still not been exchanged for a corresponding
7 electronic asset even after lapse of the expiration date of the
8 exchange certificate; a download request step of issuing, to the
9 terminal to which the exchange certificate has been transmitted,
10 a request for downloading the electronic asset in the event that
11 the exchange certificate has still not been exchanged for a
12 corresponding electronic asset even after lapse of the
13 expiration date of the exchange certificate; or an electronic
14 asset forced transmission step of forcibly transmitting the
15 electronic asset to the terminal to which the exchange
16 certificate has been transmitted in the event that the exchange
17 certificate has still not been exchanged for a corresponding
18 electronic asset even after lapse of the expiration date of the

19 exchange certificate.

1 57. The electronic asset utilization method as defined in
2 claim 56, further comprising an exchange certificate
3 deletion/invocation request step of issuing to the terminal to
4 which the exchange certificate has been transmitted a request
5 for deleting or invoking the expired exchange certificate.

1 58. The electronic asset utilization method as defined in
2 claim 57, further comprising a retransmission step of
3 retransmitting the electronic asset, the exchange certificate,
4 or the receipt certificate, said retransmission step activated
5 in the event that transmission of the issued electronic asset,
6 exchange certificate, or receipt certificate has failed in the
7 electronic asset transmission step, the electronic asset forced
8 transmission step, the exchange certificate transmission step,
9 or the receipt certificate transmission step.

1 59. A computer-readable recording medium on which there is
2 recorded a program for causing a computer to execute an
3 electronic asset utilization method as defined in claim 58.

1 60. The electronic asset utilization method as defined in
2 claim 29, further comprising a second message transmission step
3 of transmitting, to the terminal to which the exchange
4 certificate has been transmitted, a message indicating that the
5 expiration date has passed in the event that the exchange
6 certificate has still not been exchanged for a corresponding
7 electronic asset even after lapse of the expiration date of the
8 exchange certificate; a download request step of issuing, to the
9 terminal to which the exchange certificate has been transmitted,
10 a request for downloading the electronic asset in the event that

11 the exchange certificate has still not been exchanged for a
12 corresponding electronic asset even after lapse of the
13 expiration date of the exchange certificate; or an electronic
14 asset forced transmission step of forcibly transmitting the
15 electronic asset to the terminal to which the exchange
16 certificate has been transmitted in the event that the exchange
17 certificate has still not been exchanged for a corresponding
18 electronic asset even after lapse of the expiration date of the
19 exchange certificate.

1 61. The electronic asset utilization method as defined in
2 claim 60, further comprising an exchange certificate
3 deletion/invocation request step of issuing to the terminal to
4 which the exchange certificate has been transmitted a request
5 for deleting or invoking the expired exchange certificate.

1 62. The electronic asset utilization method as defined in
2 claim 61, further comprising a retransmission step of
3 retransmitting the electronic asset, the exchange certificate,
4 or the receipt certificate, said retransmission step activated
5 in the event that transmission of the issued electronic asset,
6 exchange certificate, or receipt certificate has failed in the
7 electronic asset transmission step, the electronic asset forced
8 transmission step, the exchange certificate transmission step,
9 or the receipt certificate transmission step.

1 63. A computer-readable recording medium on which there is
2 recorded a program for causing a computer to execute an
3 electronic asset utilization method as defined in claim 62.

1 64. The electronic asset utilization method as defined in
2 claim 30, further comprising a second message transmission step

3 of transmitting, to the terminal to which the exchange
4 certificate has been transmitted, a message indicating that the
5 expiration date has passed in the event that the exchange
6 certificate has still not been exchanged for a corresponding
7 electronic asset even after lapse of the expiration date of the
8 exchange certificate; a download request step of issuing, to the
9 terminal to which the exchange certificate has been transmitted,
10 a request for downloading the electronic asset in the event that
11 the exchange certificate has still not been exchanged for a
12 corresponding electronic asset even after lapse of the
13 expiration date of the exchange certificate; or an electronic
14 asset forced transmission step of forcibly transmitting the
15 electronic asset to the terminal to which the exchange
16 certificate has been transmitted in the event that the exchange
17 certificate has still not been exchanged for a corresponding
18 electronic asset even after lapse of the expiration date of the
19 exchange certificate.

1 65. The electronic asset utilization method as defined in
2 claim 64, further comprising an exchange certificate
3 deletion/invocation request step of issuing to the terminal to
4 which the exchange certificate has been transmitted a request
5 for deleting or invoking the expired exchange certificate.

1 66. The electronic asset utilization method as defined in
2 claim 65, further comprising a retransmission step of
3 retransmitting the electronic asset, the exchange certificate,
4 or the receipt certificate, said retransmission step activated
5 in the event that transmission of the issued electronic asset,
6 exchange certificate, or receipt certificate has failed in the
7 electronic asset transmission step, the electronic asset forced
8 transmission step, the exchange certificate transmission step,

9 or the receipt certificate transmission step.

1 67. A computer-readable recording medium on which there is
2 recorded a program for causing a computer to execute an
3 electronic asset utilization method as defined in claim 66.

1 68. A computer-readable recording medium on which there is
2 recorded a program for causing a computer to execute an
3 electronic asset utilization method as defined in claim 27.

1 69. A computer-readable recording medium on which there is
2 recorded a program for causing a computer to execute an
3 electronic asset utilization method as defined in claim 29.

1 70. A computer-readable recording medium on which there is
2 recorded a program for causing a computer to execute an
3 electronic asset utilization method as defined in claim 27.

1 71. A computer-readable recording medium on which there is
2 recorded a program for causing a computer to execute an
3 electronic asset utilization method as defined in claim 37.

1 72. The electronic asset utilization system as defined in
2 claim 6, wherein the server has past-due processing means, and
3 in the event that the exchange certificate still has not been
4 exchanged for a corresponding electronic asset even after lapse
5 of the expiration date of the exchange certificate, the past-due
6 processing means sends, to the terminal to which the exchange
7 certificate has been transmitted, a message indicating that the
8 expiration date has passed and a request for downloading the
9 electronic asset, or forcedly transmits the electronic asset.

1 73. The electronic asset utilization system as defined in
2 claim 72, wherein the past-due processing means issues to the
3 terminal to which the exchange certificate has been transmitted
4 a request for deleting or invoking the expired exchange
5 certificate.

1 74. The electronic asset utilization system as defined in
2 claim 73, wherein, upon receipt of the message or the download
3 request from the server, the terminal indicates, on a display
4 section, the message or details of the download request and/or
5 details of the exchange certificate.

1 75. The electronic asset utilization system as defined in
2 claim 74, wherein the server has retransmission processing
3 means, and, in the event that transmission of an electronic
4 asset, an exchange certificate, or a receipt certificate has
5 failed, the retransmission processing means retransmits the
6 electronic asset, the exchange certificate, or the receipt
7 certificate.

1 76. The electronic asset utilization system as defined in
2 claim 75, wherein the server has electronic asset status
3 management means for managing the status of the electronic asset
4 issued by the issuance means.

1 77. The electronic asset utilization system as defined in
2 claim 76, wherein the server has electronic asset status
3 management means for managing the status of the electronic asset
4 issued by the issuance means.

1 78. The electronic asset utilization system as defined in

2 claim 7, 8, and 55, wherein the past-due processing means issues
3 to the terminal to which the exchange certificate has been
4 transmitted a request for deleting or invoking the expired
5 exchange certificate.

1 79. The electronic asset utilization system as defined in
2 claim 78, wherein, upon receipt of a request for deleting or
3 invoking the expired exchange certificate from the past-due
4 processing means, the terminal deletes or invokes the exchange
5 certificate.

1 80. The electronic asset utilization system as defined in
2 claim 7, wherein, upon receipt of the message or the download
3 request from the server, the terminal indicates, on a display
4 section, the message or details of the download request and/or
5 details of the exchange certificate.

1 81. The electronic asset utilization system as defined in
2 claim 7, wherein, upon receipt of the message or the download
3 request from the server, the terminal issues voice notification
4 indicating receipt of the message or the download request.

1 82. The electronic asset utilization system as defined in
2 claim 1, wherein the server has retransmission processing means,
3 and, in the event that transmission of an electronic asset, an
4 exchange certificate, or a receipt certificate has failed, the
5 retransmission processing means retransmits the electronic
6 asset, the exchange certificate, or the receipt certificate.

1 83. The electronic asset utilization system as defined in
2 claim 1, wherein the server has electronic asset status
3 management means for managing the status of the electronic asset